



U.S. Department of Justice

*United States Attorney
Southern District of New York*

86 Chambers Street, 3rd Floor
New York, New York 10007

March 1, 2019

BY ECF

The Honorable Jesse M. Furman
United States District Judge
United States Courthouse
40 Foley Square
New York, NY 10007

Re: United States *ex rel.* John A. Wood v. Allergan, Inc.,
No. 18 Civ. 9857 (JMF) (Filed Under Seal)

Dear Judge Furman:

This Office represents the United States of America (the “Government”) in this action filed under seal by the relator John A. Wood (“Relator”) pursuant to the *qui tam* provisions of the False Claims Act, as amended, 31 U.S.C. § 3729-33, and pursuant to the false claims statutes of 26 states and the District of Columbia. The Government determined not to intervene in this case, and submitted a notice of election to decline intervention dated November 28, 2018. [Dkt. 3]. We have been advised that the Relator intends to dismiss this action voluntarily and without prejudice, and that Allergan consents to the dismissal without prejudice. We are writing to advise the Court that the Government consents to the dismissal without prejudice, as it may obviate the need for the parties to litigate over whether the first-to-file rule bars the current action. Specifically, Relator has stated that proceeding in this manner would “move this action toward a more efficient and timely resolution by not litigating the first-to-file argument raised by Defendant in its Motion to Dismiss.” [Dkt. 32].

We thank the Court for its consideration of this letter.

Respectfully,

GEOFFREY S. BERMAN
United States Attorney

By: /s/ Lawrence H. Fogelman
LAWRENCE H. FOGELMAN
Assistant United States Attorney
Tel. No.: (212) 637-2719
Fax No: (212) 637-2686

cc: W. Scott Simmer, Esq.
Relator's Counsel

Hillary Chapman, Esq.
New York Attorney General's Office
Coordinating counsel for the Plaintiff States